

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 JUN -2 P 4:18

U.S. DISTRICT COURT
DISTRICT OF MASS.

REPUBLIC RESTAURANT INC.,)

Plaintiff,)

v.)

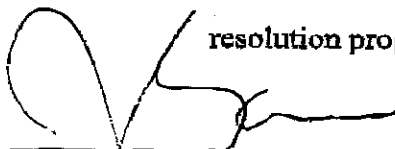
HYDAN WASHINGTON STREET,)
INC., d/b/a PHO REPUBLIQUE and)
JACK BARDY)
Defendant.)

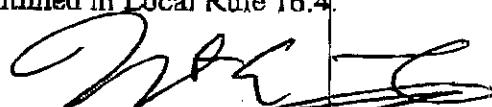
CIVIL ACTION
NO. 03-12649-MLW

**LOCAL RULE 16.1(D)(3) CERTIFICATION
OF DEFENDANT HYDAN WASHINGTON STREET, INC.**

We, the undersigned, hereby certify that we have conferred in this matter:

- (a) with a view to establishing a budget for the costs of conducting the full course —
and various alternative courses — of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute
resolution programs such as those outlined in Local Rule 16.4.


Jack Bardy, President
HYDAN WASHINGTON STREET, INC.
209 Burlington Road
Bedford, MA 01730


Merton E. Thompson (BBO# 637056)
BURNS & LEVINSON LLP
125 Summer Street
Boston, MA 02110

Counsel to Defendants.

Dated: June 2, 2004

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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REPUBLIC RESTAURANT, INC.,

Plaintiff,

-against-

HYDAN WASHINGTON STREET, INC., d/b/a
PHO REPUBLIQUE and JACK H. BARDY,

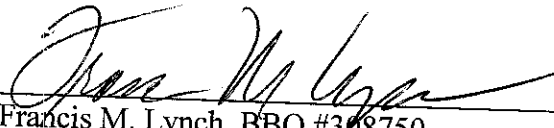
Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the following documents have been served upon Merton Thompson, Esquire, Burns & Levinson, LLP, 125 Summer Street, Boston, MA 02110 and Jeffrey M. Tamarin, Esquire, Reed Smith, LLP, 599 Lexington Avenue, New York, NY 10022 by first class mail on June 2, 2004:

1. Notice of Withdrawal of Matthew E. Mitchell;
2. Notice of Appearance of Francis M. Lynch;
3. Plaintiff's Proposed Local Rule 16.1 Joint Statement for Scheduling Conference;
4. Plaintiff's Local Rule 16.1(D)(3) Certification; and
5. Defendant's Local Rule 16.1(D)(3) Certification.


Francis M. Lynch, BBO #308750
Attorney for Plaintiff, Republic Restaurant,
Inc.,
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June 2, 2004